

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MUHAMMAD YOUNAS MALIK,  
Plaintiff,  
v.  
NAZIA JABEEN IQBAL, et al.,  
Defendants.

No. 2:23-cv-1462 DJC DB PS

ORDER

Plaintiff Muhammad Younas Malik was proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). On July 14, 2023, the assigned District Judge remanded this matter to the Yolo County Superior Court. (ECF No. 7.) On August 21, 2023, defendant filed a motion for attorney's fees pursuant to 28 U.S.C. § 1447(c) and noticed the motion for hearing before the undersigned. (ECF No. 8-1 at 3.) Defendant's motion was taken under submission on October 11, 2023. (ECF No. 11.)

Local Rule 293 states that "[a]ll motions for awards of attorneys' fees pursuant to statute shall, at a minimum, include an affidavit showing . . . the information pertaining to each of the criteria set forth in [Local Rule 293] (c)." Local Rule 293(c) requires that the court consider:

- (1) the time and labor required of the attorney(s);
- (2) the novelty and difficulty of the questions presented;
- (3) the skill required to perform the legal service properly;

- (4) the preclusion of other employment by the attorney(s) because of the acceptance of the action;
- (5) the customary fee charged in matters of the type involved;
- (6) whether the fee contracted between the attorney and the client is fixed or contingent;
- (7) any time limitations imposed by the client or the circumstances;
- (8) the amount of money, or the value of the rights involved, and the results obtained;
- (9) the experience, reputation, and ability of the attorney (s);
- (10) the “undesirability” of the action;
- (11) the nature and length of the professional relationship between the attorney and the client;
- (12) awards in similar actions; and
- (13) such other matters as the Court may deem appropriate under the circumstances.

Here, the declaration submitted in support of defendant’s motion does not address all the criteria stated above. (ECF No. 8-2 at 1-3.) “Failure to comply with the local rule governing the filing of motions for attorney’s fees is a reason for denial of the motion.” Johnson v. Wells Fargo Bank N.A., No. 2:10-cv-2839 GEB CKD, 2013 WL 4854790, at \*1 (E.D. Cal. Sept. 11, 2013); see also Vang v. Lopey, No. 2:16-cv-2172 JAM CMK, 2017 WL 6055771, at \*1 (E.D. Cal. Dec. 7, 2017) (“The Court also denied the County’s request for attorney’s fees twice, most recently based on the County’s noncompliance with Local Rule 293(b).”).

Accordingly, IT IS HEREBY ORDERED that defendant’s August 21, 2023 motion for attorney’s fees (ECF No. 8) is denied without prejudice to renewal.<sup>1</sup>

Dated: December 29, 2023

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DB/orders/orders.pro se/malik1462.fee.den.ord

  
DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> In the event defendant files a renewed motion defendant shall including billing statements in support of the motion.